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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

BRITTONI COTTLE-BANKS, an individual,
on behalf of herself and of all others
similarly situated,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., a
Delaware Corporation; and DOES 1
through 100, inclusive,

Defendants.

Case No. 10cv2133 BTM(WVG)

**ORDER GRANTING MOTION TO
STAY CASE PENDING DECISION
OF THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION TO
CONSOLIDATE AND TRANSFER
TAG-ALONG ACTION**

Defendant has filed a motion to stay this case pending a decision by the Judicial Panel for Multidistrict Litigation (“MDL Panel”) whether to transfer this case to the Western District of Oklahoma and consolidate it into In re: MDL 2048 Cox Enterprises, Inc., Set-Top Cable Television Box Antitrust Litigation. For the reasons discussed below, Defendant’s motion is

GRANTED.

This action is the subject of a Conditional Transfer Order, conditionally transferring the case to the Western District of Oklahoma for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Plaintiff has filed a notice of opposition to the Conditional Transfer Order. Plaintiff’s opposition is scheduled for hearing before the MDL Panel on January 27, 2011.

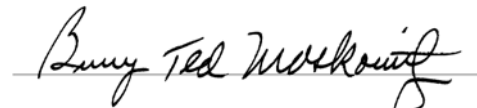
1 In determining whether to issue a stay of proceedings pending transfer proceedings
2 before the MDL Panel, courts generally consider three factors: (1) potential prejudice to the
3 non-moving party; (2) hardship and inequity to the moving party if the action is not stayed;
4 and (3) the judicial resources that would be saved by avoiding duplicative litigation if the
5 cases are in fact consolidated. Rivers v. Walt Disney Co., 980 F. Supp. 1358, 1360 (C.D.
6 Cal. 1997).

7 The Court finds that a stay of this case pending a transfer decision by the MDL Panel
8 would promote judicial economy and avoid the possibility of conflicting rulings. Because it
9 appears that a ruling on the transfer is imminent, Plaintiff will not suffer any prejudice.
10 Plaintiff's arguments regarding whether this case is appropriate for transfer are better
11 directed to the MDL Panel.

12 The Court **GRANTS** Defendant's motion to stay these proceedings pending a transfer
13 decision by the MDL Panel. This case is **STAYED** until further order of the Court.

14 **IT IS SO ORDERED.**

15 DATED: December 30, 2010

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18 Honorable Barry Ted Moskowitz
19 United States District Judge

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